

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MAURICE ANTHONY BROWN,

Plaintiff,

v.

MATTHEW MURPHY, *et al.*,

Defendants.

CASE NO. C23-0835-JCC

ORDER

This matter comes before the Court upon pre-service review of Plaintiff's *in forma pauperis* ("IFP") complaint (Dkt. No. 5). The Court previously identified a number of defects in the complaint, and it ordered Plaintiff to submit an amended complaint within 14 days, stating plausible claims for relief. (Dkt. No. 9.) Plaintiff failed to do so.

The Court must dismiss a complaint prior to service if it "fails to state a claim on which relief can be granted." 28 U.S.C. § 1915(e)(2)(b)(ii); *see Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000). The complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face to avoid dismissal. *Ashcroft v. Iqbal*, 556 U.S. 662, 664 (2009). The factual allegations must be "enough to raise a right to relief above the speculative level." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007).

1 Here, as previously noted, Plaintiff's claims of false testimony fail as a matter of law.
2 (Dkt. No. 9 at 2.) And Plaintiff has failed to show that Defendants are not entitled to qualified
3 immunity based on a violation of a clearly established constitutional right. (*See Id.* at 2–3.)
4 Accordingly, the Court DISMISSES Plaintiff's complaint (Dkt. No. 5) without prejudice.
5 Additionally, Plaintiff's outstanding motions (Dkt. Nos. 6, 7, 8) are DISMISSED as moot.

6 DATED this 18th day of July 2023.

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11 John C. Coughenour
12 UNITED STATES DISTRICT JUDGE
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